

SECTION 208 WATER POLLUTION CONTROL AND STREAM PRESERVATION

208.01 DESCRIPTION. Water pollution control is the planning, scheduling, constructing and maintaining of Contract pollution and erosion control devices, devices proposed by the Contractor, or ordered by the Project Manager during the work to prevent and control the siltation of lakes, streams, rivers, ponds, and other wetlands.

Leave permanent pollution controls in place after the work is complete.

Temporary pollution controls are to prevent polluting state waters during the work.

The Department's "Standard Erosion Control Work Plan Manual" is a guide to devices and measures to prevent pollution and erosion. The work includes preventing ground water pollution.

Use temporary and permanent water pollution controls to provide economical, effective, continuous erosion and pollution control during and after the work.

Plan and install temporary pollution control devices to preserve existing streambeds and streambanks.

208.02 MATERIALS. Use materials meeting commercial grade standards approved by the Project Manager if permanent and temporary materials are not specified.

208.03 CONSTRUCTION REQUIREMENTS.

208.03.1 General. Comply with the Department of Fish, Wildlife and Parks, Department of Health and Environmental Sciences, and all other state or federal laws or regulations for preventing or abatement of erosion, water pollution, and siltation.

208.03.2 Water Pollution Control. Submit to the Department of Health and Environmental Sciences an Erosion Control Plan covering all construction areas to be disturbed outside the highway right of way 30 working days before starting work. During construction, follow the plan to prevent polluting and silting of state waters. Prevent chemicals, fuels, lubricants, bitumens, raw sewage, and other wastes from entering state waters. Dispose of all wastes, refuse, and discarded materials meeting Subsection 107.11.

Control erosion, siltation, and water pollution during all work suspensions.

Contractor failure to provide erosion and water pollution controls is cause for the Project Manager to provide the work and deduct those costs from monies due or that may become due the Contractor.

A. Water Pollution Control Plan. Submit a water pollution control plan to the Project Manager at the pre-construction conference or 30 working days before work starts. The Department has 30 days to review the plan. Incomplete or illegible plans will be returned for correction and the 30 day review time begins upon receipt of the corrected plan.

Include in the plan the schedule for incorporating the permanent erosion control work and all temporary controls proposed for use during the

work. Do not begin work that disturbs the natural ground until the plan is approved. Revise and update the water pollution control plan whenever the required controls differ from the approved plan. Submit all changes for review and approval. Meet the Contract requirements and follow the approved pollution control plan.

B. Temporary Pollution Control Measures. Install temporary erosion control before each construction stage.

Maintain all temporary erosion control until it is no longer needed or conflicts with the work. If devices that conflict with the work are removed, replace these devices at the end of each shift. Re-grade temporary sites to match the surrounding terrain after the devices are removed. Repair or replace damaged, inadequate, or non-functioning devices.

Temporary pollution control measures required due to the Contractor's negligence, carelessness, or failure to install permanent controls are at Contractor expense.

C. Permanent Pollution Control Measures. Install permanent pollution controls concurrently or immediately following work that disturbs natural ground.

208.03.3 Limitations on Grading Operations. The maximum area allowed to be disturbed at one time within the highway right-of-way is 750,000 square feet (69,750 m²) of clearing and grubbing and 750,000 square feet (69,750 m²) of borrow, excavation and embankment.

The Engineer may modify the 750,000 square feet (69,750 m²) restriction when soil characteristics, contractor operations or both, indicate that a smaller or larger area is acceptable. For long or complex projects, the Contractor may have several separate grading operations working, where the Engineer may apply the limit to each individual operation, provided finishing, mulching, and seeding closely follow the rough grading operations at each location. Use the specified pollution controls at each individual location.

208.03.4 Stream Preservation.

A. General. Meet the following general provisions unless the plan approved by the Department of Fish, Wildlife, and Parks under Subsection 208.03.4(B) is more restrictive:

1. Clear and grub adjacent to streams or associated wetlands meeting Subsections 201.03.2 and .3.
2. Do not operate mechanized equipment in any stream.
3. Do not spill or dump material from equipment into streams or associated wetlands.
4. Do not permit wash water from cleaning concrete related equipment or wet concrete to enter streams, riparian areas, or wetlands.
5. Do not place fill or embankment material in streams, streambeds, wetlands, or riparian areas.
6. Locate staging or storage areas at least 50 feet (15.2 m) horizontally from the highest anticipated water level during the construction period.
7. Store and handle petroleum products, chemicals, cement and other deleterious materials to prevent their entering streams and associated wetlands.

8. Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channels changes, and instream excavations.
9. Reclaim streambeds and streambanks as close as possible to their pre-disturbed condition.

B. Temporary Construction Facilities. Plan temporary construction facilities to:

1. Minimize disturbance to streambank, streambank vegetation, streambed, and state waters;
2. Not restrict or impede fish passage in streams;
3. Not restrict any water flow anticipated during use.

Install, maintain, operate, and remove temporary construction facilities meeting the approved work plans within or adjacent to streambeds and for crossing streams, streambeds or state waters.

Maintain constant progress once installation or removal work begins. Shape and contour areas disturbed by installation and removal to match adjacent undisturbed ground.

Furnish plans meeting the Department of Fish, Wildlife, and Parks requirements for approval for work bridges, haul bridges, bridge removal, detours, and other temporary construction facilities. Include the following in the plans:

- a. Details of stream and streambank features before installing temporary construction features and after they are removed;
- b. Location of facilities relative to permanent work and streambanks;
- c. Plan and elevation views of facilities showing stream section;
- d. Anticipated high water elevation during use of the facilities;
- e. Waterway openings and clearances;
- f. Type of bridge bent, pier, and superstructure construction (wood, steel, concrete, etc.);
- g. Written description for installing, operating, and removing facilities;
- h. Estimated time facilities will be in place.

Submit 5 copies of the plan to the Project Manager, who will forward 2 copies to the Department of Fish, Wildlife, and Parks for approval. Submit to the Project Manager revised plans or modifications to approved plans. The Departments have 30 working days to review both the original and all plan modifications. Do not begin work on temporary construction facilities or modifications to approved plans until receiving written approval from the Department of Fish, Wildlife, and Parks.

Defend, indemnify, and save harmless the Department from legal actions or fines resulting from violations of the Stream Protection Act, Section 87-5-501 to Section 87-5-509, MCA, because of any act, omission, neglect, or Contractor misconduct.

208.03.5 Seeding.

- A. Permanent Seeding.** Seed all finished areas designated for permanent seeding under Subsection 610.03.2.

Finished slopes permanently seeded during the seeding season may require frequent seeding to establish an acceptable stand.

Finish, topsoil, fertilize, mulch, seed, and place permanent erosion control as slopes are finished and not at the Contractor's convenience.

Recondition, re-mulch, re-fertilize, and re-seed areas that fail to establish an acceptable stand during the specified seeding periods.

- B. Temporary Seeding.** Temporarily seed all disturbed soil areas that will not be re-disturbed for 21 days or more by the 14th day after the last disturbance. Areas not requiring further disturbance may be permanently seeded. Re-seed permanently seeded areas that fail to establish a sustainable growth at Contractor expense.

208.04 METHOD OF MEASUREMENT.

208.04.1 Temporary Water Pollution Controls. Temporary water pollution controls are measured by the unit.

Stream preservation is included in Temporary Water Pollution Control and is not measured for payment.

208.04.2 Seeding. Seeding is measured by the acre (hectare) and includes finishing, topsoiling, fertilizing, mulching and seeding.

208.04.3 Permanent Water Pollution Control. Permanent water pollution control items are measured by the unit under the respective bid item.

208.05 BASIS OF PAYMENT. Payment for the completed and accepted quantities is made under the following:

<u>Pay Item</u>	<u>Pay Unit</u>
Temporary Pollution Control	Force account, agreed price or Unit
Seeding	Acre (hectare)
Permanent Pollution Control	Unit

Additional compensation is not considered or allowed the Contractor for delays in securing approvals for temporary construction facilities or authorization to discharge under the Montana Pollutant Discharge System.

An estimated quantity of units for temporary pollution control is shown in the Contract based on one dollar per unit. For example, an estimated quantity of 20,000 units is equivalent to \$20,000 of temporary water pollution control work. The total number of units in dollars of temporary water pollution control work estimated in the Contract may be increased or decreased by the Project Manager as required.

Temporary water pollution control maintenance and removal is paid for on a force account basis.

Payment for the completed and accepted quantities is full compensation for all resources necessary to complete the item of work under the Contract.